

PRESENT: Ryan Akin, Chair Carol Henshaw  
Joseph Bader, Vice Chairman Julie Harris  
James Davern Susan Haller

ABSENT: James Hitchcock

ALSO PRESENT: Richard E. Brown, Zoning Officer

Chairman Akin called to order the regular meeting of the Zoning Board of Appeals at 7:02 P.M.

Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of July 17, 2019. Mr. Bader moved to approve the minutes as written. Mr. Davern seconded the motion, which carried by unanimous voice vote (6-0).

### REVIEW OF APPLICATIONS:

**ITEM 1**      **Application #19-279: 10 Chapin Street, SAVARINO COMPANIES, requesting an Area Variance necessary to develop residential units on the ground floor in the C-2, Central Business Zone District. In accordance with §850-38 of the Zoning Ordinance of the City of Canandaigua, residential units are not permitted on the ground floor in this district.**

Courtney Cox, Development Manager from Savarino Companies, represented the application. In 2017, under different ownership, plans were approved for converting the upper three floors into residential apartments. They also proposed adding an additional residential story to the structure. The lowest level “ground floor” was to contain storage and some limited commercial space. As new owners, they are reevaluating the viability of the project. In November of 2018, it was discovered that the State Historic Preservation Office would not likely approve the project for historic tax credits with the plan for an additional story. They now wish to add apartments to the ground floor to compensate.

Mr. Bader asked the total number of units proposed for the project. Mr. Cox responded there were to be 50-51 units total. Five of these would be on the ground floor and would be fully ADA accessible.

Chairman Akin opened the public hearing and asked if there was anyone else present who wished to speak to the application. Seeing no one, he closed the Public Hearing.

The board proceeded with questions to the applicant. Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Davern believes there would be no undesirable change in character, rather this project is turning a negative into a positive. Chair Akin agrees.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chair Akin suggested that they could achieve the benefit of the needed units by maintaining the plan for the additional floor. Mr. Brown pointed out that the additional story did require a variance. So, in a sense, they are simply swapping one variance for another.

Regarding question #3: *Show that the requested variance is not substantial.*

Chair Akin asked what percentage of the ground floor these additional units would comprise. Mr. Cox explained that approximately 40% would be residential and the remainder would be for commercial use and amenities.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Chair Akin asked if the ground floor units would face Chapin Street. Mr. Cox replied that they would not. They will face the parking lot. Chapin Street will contain the commercial portion of the ground floor. It is not conducive for residential units because the windows are too low.

Mr. Bader believes that with no store fronts on South Main Street, the ground-floor residential units not visible, and the commercial portion facing Chapin Street, there will be no effect on how the neighborhood currently appears.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Bader believes the hardship is self-created.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Bader moved for **approval** of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.

Ms. Haller seconded the motion, which ***carried*** with a roll call vote of (6-0):

Joseph Bader	Voting	YES
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Voting	YES
James Hitchcock	Absent	
Ryan Akin	Voting	YES

### **ADJOURNMENT:**

Mr. Bader moved to adjourn the meeting at 7:23 P.M., seconded by Ms. Harris and carried by unanimous voice vote (6-0).

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Richard E. Brown, Secretary

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Ryan Akin, Chairman